

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

TODD COYER, KARL KISNER,
LAURYN OVERBEY, LISA SOLOMON, and
SONNY PIKE, Individually and as
representatives of a class of similarly situated
persons, on behalf of the UNIVAR
SOLUTIONS 401(K) PLAN f/k/a the UNIVAR
USA INC. VALUED INVESTMENT PLAN,

Plaintiffs,

v.

UNIVAR SOLUTIONS USA INC., THE
BOARD OF DIRECTORS OF UNIVAR
SOLUTIONS USA INC., THE RETIREMENT
PLAN COMMITTEE OF UNIVAR
SOLUTIONS USA INC.; and DOES No. 1-20,
Whose Names are Currently Unknown,

Defendants.

Case No.: 1:22-cv-00362

The Honorable Robert W. Gettleman

DEFENDANTS' MOTION TO DISMISS THE COMPLAINT

Defendants Univar Solutions USA Inc., its Board of Directors, and its Retirement Plan Committee (together, “Univar”) respectfully request that this Court, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, dismiss plaintiffs’ complaint for failure to state a claim upon which relief may be granted. Plaintiffs purport to bring claims under the Employee Retirement Income Security Act of 1974 for breaches of fiduciary duty, failure to monitor, and alternatively, a knowing breach of trust, but premise those claims on conclusory allegations that do not push their claims from conceivable to plausible. Plaintiffs’ claims also should be dismissed for lack of standing to the extent they relate to funds in which plaintiffs did not invest and to the extent plaintiffs seek prospective injunctive relief. For the foregoing reasons and as discussed further in defendants’ memorandum of law, Univar respectfully requests that the Court enter an order dismissing plaintiffs’ complaint.

Dated: April 4, 2022

Respectfully Submitted,

/s/ Craig C. Martin

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Inc., and the Retirement Plan Committee of
Univar Solutions USA Inc.*

CERTIFICATE OF SERVICE

Pursuant to Rule 5 of the Federal Rules of Civil Procedure and Rule 5.5 of the Local Rules of the Northern District of Illinois, the undersigned, an attorney of record in this case, hereby certifies that, on April 4, 2022, a true and correct copy of the foregoing was filed electronically by CM/ECF, which caused notice to be sent to all counsel of record.

Dated: April 4, 2022

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